

Notice of Allowability	Application No.	Applicant(s)	
	10/016,533	LIBENZI ET AL.	
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 08/03/2005.
2. ☒ The allowed claim(s) is/are 1-6, 8-15, 17-21, 23-28, 30-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

1. **ALL independent Claims 1,10,20,27,35 and 38** have been amended.
2. **Dependent claims 19,23 and 30** have also been amended.
3. **Claims 7, 16, 22 and 29** have been cancelled..
4. **New Claims 42-44 have been** added.

Allowable Subject Matter

5. **Claims 1-44** are allowed.
6. The following is an examiner's statement of reasons for allowance:
7. With respect to **the independent claims 1,10,35 and 38** the art on the record, namely the combination of **Kephart and Nachenberg** discloses all of the limitation of the recited claim 1,10,35 and 38 before the claim were amended. However claim 1,10,35 and 38 are amended by the applicant and the following limitation was added to the respective independent claims, **"the checksum is calculated as a running checksum on a line-by-line basis as the incoming message is received"**. As applicant persuasively argued the art on the record namely the combination of **Kephart and Nachenberg** does not disclose or suggest this particular added limitation of the respective claims.

None of the prior art of record taken singularly or in combination teaches or suggests a computer implemented system/method with all the limitations recited in respective claims in combination with the functional limitation which is added after amendment.

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8. With respect to **the independent claims 20 and 27** the art on the record, namely the combination of **Kephart and Nachenberg** discloses all of the limitation of the recited claims 20 and 27 before the claim were amended. However claims 20 and 27 are amended by the applicant and the following limitation was added to the respective independent claims, “ **a set of digists, each comprising the message digest and the infection indicator corresponding to each infected message content.**” As applicant persuasively argued the art on the record namely the combination of **Kephart and Nachenberg** does not disclose or suggest this particular added limitation of the respective claims.

None of the prior art of record taken singularly or in combination teaches or suggests a computer implemented system/method with all the limitations recited in respective claims in combination with the functional limitation which is added after amendment.

For the reasons provided above, the amended independent claims

1,10,20,27,35 and 38 are allowed.

9. **The dependent claims, which are dependent on the independent claim 1,10,20,27,35 and 38** being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am --4: 30 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

10/10/2005


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100